

## UNITED STATES DISTRICT COURT

**FOR THE**

DISTRICT OF VERMONT

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**IN RE:**

**R & G PROPERTIES, INC.**

Docket No. 10-1000

DEPUTY CLERK

**APPEALED FROM:**

**U.S. Bankruptcy Court for the**

## District of Vermont

**Case Number 08-10876**

## **ORDER GRANTING CREDITOR'S MOTION TO STAY PENDING APPEAL**

Capmark Finance, Inc.'s Motion to Stay Pending Appeal to excuse the receiver from turning over custody, control and records of the debtor's business to the debtor is hereby GRANTED.

During the pendency of the appeal, the receiver shall retain, as custodian, all custody, control and records of the debtor's business and shall continue to operate the debtor's business during the pendency of the appeal.

Capmark Finance, Inc. has shown that it has a likelihood of success on the merits and that Capmark, as severely undersecured secured creditor in the bankruptcy, shall be irreparably harmed by turnover of the properties to the debtor.

Further, there is no substantial harm to the debtor as the properties have been operated under a receivership since September of 2006 and there are no other parties whose interest will be substantially impaired.

SO ORDERED.

Dated: 11/21, 2008

United States District Court Judge

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